

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

M. DIANE KOKEN, in her official capacity	:	
as Insurance Commissioner of the Commonwealth	:	
of Pennsylvania, as Liquidator of RELIANCE	:	CIVIL ACTION
INSURANCE COMPANY (IN LIQUIDATION)	:	
	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	NO. 05-CV-223 (SLR)
GPC INTERNATIONAL, INC.	:	
	:	
	:	
Defendant.	:	
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GPC INTERNATIONAL, INC.	:	
	:	
	:	
Third-Party Plaintiff,	:	
	:	
	:	
v.	:	
	:	
ZURICH-AMERICAN INSURANCE COMPANY	:	
	:	
	:	
Third-Party Defendant.	:	

**PLAINTIFF'S MOTION *IN LIMINE* TO PRECLUDE INTRODUCTION OF
ANY EVIDENCE OF NEGLIGENT OR BAD FAITH CLAIMS HANDLING**

Plaintiff, M. Diane Koken, in her official capacity as Insurance Commissioner of the Commonwealth of Pennsylvania, as Liquidator (the "Liquidator") of Reliance Insurance Company (In Liquidation) ("Reliance"), by and through her counsel, Fox Rothschild LLP, hereby moves this Honorable Court *in Limine* to preclude Defendant GPC International, Inc. ("GPC") from introducing any evidence of negligent or bad faith claims handling by Reliance, the Liquidator or the California Insurance Guaranty Association ("CIGA") at trial of this matter on the basis that negligent or bad faith claims handling is not a defense to collection of retrospective premiums under applicable New York law, GPC failed to plead that defense, and

GPC failed to retain an expert witness regarding that defense. In support of her motion, the Liquidator relies upon the attached Memorandum of Law, the substance of which is incorporated herein by reference. Pursuant to District of Delaware Local Rule 7.1.4, the Liquidator requests oral argument on this Motion.

Respectfully submitted,

By: /s/ Sheldon K. Rennie (#3772)

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Insurance Company (in Liquidation)*

Dated: August 8, 2006